

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

NSIGHT, INC.,

No. 3:04 CV 3836 MMC (MEJ)

Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR SANCTIONS**

vs.

PEOPLESOFt, INC.,

Defendant.

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The Court is in receipt of the parties' Joint Meet and Confer Letter re Order of May 11, 2006. (Doc. #177.) In the letter, plaintiff nSight, Inc. seeks sanctions for defendant Oracle USA, Inc.'s alleged failure to comply with the Court's May 11, 2006 Order. In that order, issued in response to the parties' May 9, 2006 joint letter regarding Oracle's discovery responses (Doc. #123), the Court ordered Oracle to serve on nSight a declaration: (1) attesting that it had produced all non-privileged documents within its possession, custody, or control; and (2) confirming that it conducted a diligent search of all locations at which such materials might plausibly exist." (Doc. #127.) nSight now seeks sanctions, arguing that Oracle failed to comply with the order and conducted limited searches.

Upon review of the parties' letter, the Court finds sanctions inappropriate. In their May 9 letter, the parties attached an exhibit detailing how their prior meet-and-confer session resulted in clarifications to the nature and scope of nSight's document requests. nSight did not object to narrowed scope, other than to argue that it never acknowledged Oracle as the successor to

1 PeopleSoft. Accordingly, the Court's May 11 Order required Oracle to serve a declaration as
2 contemplated by the parties' discovery conference, not nSight's original requests. As Oracle
3 complied with this requirement, the Court hereby DENIES nSight's request for sanctions.

4 **IT IS SO ORDERED.**

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6 Dated: August 15, 2006

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MARIA-ELENA JAMES
United States Magistrate Judge